

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

CIVIL ACTION NO. 3:21-cv-03488-CMC

MARK MERRILL,	)	
SUSAN MERRILL,	)	
COREY McCracken,	)	
MATT EMERICK, and	)	
ROB DEVLIN	)	
	)	
Plaintiffs,	)	<b>AFFIDAVIT OF SERVICE ON</b>
	)	<b>DEFENDANT CONSTRUCTION</b>
v.	)	<b>PARTNERS, INC</b>
	)	
CONSTRUCTION	)	
PARTNERS, INC. and	)	
EVERETT DYKES GRASSING	)	
COMPANY, INC.,	)	
	)	
Defendants.	)	
	)	

PERSONALLY APPEARED BEFORE ME the undersigned who, being duly sworn, states as follows:

1. I am counsel of record for the Plaintiffs in the within-captioned action.
2. This civil action was originally commenced by filing a Summons and Complaint in the Court of Common Pleas for Richland County, South Carolina on September 21, 2021.
3. According to the Alabama Secretary of State's website, [www.sos.alabama.gov](http://www.sos.alabama.gov), the registered agent for service of process on the Defendant Construction Partners, Inc. is Alan Palmer located at 290 Healthwest Drive, Suite 2, Dothan, Alabama. *See*, Exhibit A.
4. On September 21, 2021, the filed Summons and Complaint, Plaintiffs' First Discovery Request, and Notice of Taking Video Deposition were all mailed via Certified Mail, Return Receipt Requested addressed to Alan Palmer at 290 Healthwest Drive, Suite 2, Dothan,

Alabama. *See*, Exhibit B.

5. The green card/return receipt was returned to my office by the U.S. Postal Service on or about September 27, 2021. Although the return receipt is not signed by Mr. Palmer or anyone else, *see*, Exhibit B, the transmittal letter and its enclosures have never been returned to my office by the U.S. Postal Service, raising a presumption of delivery to the addressee.
6. It is my understanding that during the Covid-19 pandemic, some U.S. Postal Service facilities have modified their customer signature capture procedures in order to comply with CDC social distancing guidelines and eliminate the physical handling of return receipt cards, so that those cards are sometimes returned unsigned by the addressee. *See*, [www.faq.usps.com](http://www.faq.usps.com).
7. In an abundance of caution, I engaged a private process server in the State of Alabama to locate and personally serve Alan Palmer.
8. On October 17, 2021, the process server informed my office staff by telephone that Alan Palmer had been personally served.
9. On October 22, 2021, the process server informed my office staff by email that personal service on Alan Palmer had been effected on October 8, 2021.
10. I spoke with defense counsel, Mr. DuBose, about this case by telephone sometime between October 11, 2021 and November 18, 2021. Although my notes are unclear as to the exact date when this conversation occurred, I specifically recall telling Mr. DuBose that service on Construction Partners, Inc. had been attempted via certified mail, return receipt requested; that the green card had come back unsigned; that I had engaged a private process server; that the process server had effected personal service on the registered agent for Construction Partners, Inc.; that I was uncertain, at the time of our conversation, of exact date of that


personal service; and that I was awaiting receipt of an affidavit of service from the process server.

11. The Notice of Removal [Docket Entry 1] was filed on October 22, 2021. Paragraph 11 of the Notice affirmatively asserts that the Defendant Construction Partners, Inc. is “[a]s yet unserved.”
12. My recollection is that my office was awaiting receipt of the affidavit of service and Mr. DuBose was seeking to confirm service with the principals at Construction Partners, Inc.
13. The Defendant Everett Dykes Grassing Company, Inc. filed and served its Answer to the Complaint on October 29, 2021.
14. To date, no Answer or other responsive pleading has been filed or served by the Defendant Construction Partners, Inc.
15. When I received the Court’s December 21, 2021 Text Order concerning proof of service on the Defendant Construction Partners, Inc., I asked my office staff to followup with the process server in Alabama. I also communicated with Mr. DuBose seeking to resolve any lingering issues about service of process on the Defendant Construction Partners, Inc.
16. On December 27, 2021, my office received a sworn Affidavit of Service from Michael Magrino, *see*, Exhibit C, attesting that he personally served the Summons and Complaint, Plaintiffs’ First Discovery Request, and Notice of Taking Video Deposition on Alan Palmer at 290 Healthwest Drive, Suite 2, Dothan, Alabama on October 8, 2021.

FURTHER AFFIANT SAYETH NAUGHT.

By:   
Robert B. Ransom, Esq.

SWORN TO BEFORE ME this  
30<sup>th</sup> day of December, 2021.



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Notary Public for the State of South Carolina

My commission expires:

11-16-27